IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6218 OF 2006

Balu Mahammed Mhabri & Ors. ...Petitioners

V/s.

Miyalal Yakub Mhabri & ors. ...Respondents

Shri.P.D. Dalvi for the Petitioners.
Shri.V.B. Rajure for respondent No.1.

CORAM : A.P. DESHPANDE, J.

DATED : 23rd NOVEMBER, 2006.

P.C. :-

1. The Trial Court has condoned the delay of about 10 years caused in bringing on record legal representatives of plaintiff No.2. Perused the order. Same does not call for any interference to the extent it permits bringing legal representatives of plaintiff No.2 on record. However, learned counsel for respondents points out that only costs of Rs.1500/- was awarded and that too, out of said amount, Rs.1200/- have been directed to be paid to the State Government and balance of Rs.300/- is to be shared by the petitioners/defendants proportionately. As such, counsel for the petitioners/defendants prays for awarding more costs.

2. Grievance made is justified. Costs awarded by the Trial Court does not go to adequately compensate the petitioners/ defendants. Hence, I confirm the order passed by the Trial Court, however, by saddling additional costs of Rs.5,000/- to be paid by the respondents/plaintiffs to the petitioners/defendants within four weeks.

. Petition is disposed of accordingly.

A.P. DESHPANDE, J.